



## FARMERS BRANCH

ORDINANCE NO. 1917

A

9721

25.00 DEED  
2 01/08/91

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT - INTERIM USE (BEGINNING ON APRIL 1, 1991 AND EXPIRING ON SEPTEMBER 30, 1991) TO ALLOW THE OPERATION OF A "SNO CONE STAND" WITHIN A LOCAL RETAIL-2 (LR-2) ZONING DISTRICT AT 2825 VALLEY VIEW LANE; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds and determines, on the basis of facts presented on the application for a Specific Use Permit-Interim Use and at the public hearings, the following:

1. That the proposed use is consistent with existing uses of adjacent and nearby property;
2. That the proposed use is not consistent with: (a) the reasonable foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit-Interim Use; and (b) the use of the property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;
3. That the proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit-Interim Use is in effect;
4. That the proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan; and
5. That any investment contemplated to be made by the applicant in the property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of the permit.



WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to the granting of Specific Use Permits-Interim Use under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning use should be made, subject to the conditions set out herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, be, and the same is hereby amended by amending the zoning map of the City of Farmers Branch so as to grant a Specific Use Permit-Interim Use beginning on April 1, 1991 and expiring on September 30, 1991 to allow the operation of a "Sno Cone Stand" within a Local Retail-2 (LR-2) zoning district at 2825 Valley View Lane.

SECTION 2. That this Specific Use Permit-Interim Use shall be operated in compliance with the conditions established by the approved site plan attached as Exhibit "A".

SECTION 3. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

SECTION 4. That all ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same is hereby repealed and all other provisions of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

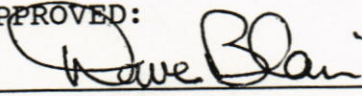
SECTION 5. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs.

SECTION 7. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance and as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS ON THIS THE 10th day of December, 1990.

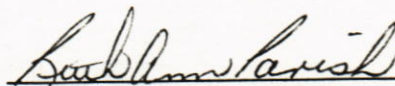
APPROVED:

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

ATTEST:

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
City Secretary



1 STORY STUCCO

ACCESS ESMT FOR INGRESS  
EGRESS ACROSS ENTIRE PROPERTY  
VOL 71070, Pg. 0757

80.6'

ASPHALT  
PARKING

83.2

14 PARKING SPACES

1 STORY  
SAFE

13 PARKING SPACES  
250,060 SQ. FT.  
5.741 ACRES

BLDG. FOUNDATION  
ESMT TO SAFE  
VOL. 73173, Pg. 1

385.0'

50°06'00"W

1 STORY STUCCO  
THE CORNERS

ASPHALT PARKING

18 PARKING SPACES

15 PARKING SPACES

15 PARKING SPACES

147.64'

7 PARKING SPACES

SIGN  
W/POST

SNO  
CONE  
STAND

7 1/2 x 10'

2 PK.  
SPACES

17 PARKING SPACES

30' BLDG. LINE

3 SPACES 4 SPACES

9 PARKING SPACES

2 PK.  
SPACES

N 89°54'00"W 340.11'

BEAUTIFICATION ESMT  
TO CITY OF FARMERS BRANCH  
VOL. 78211, Pg. 2518

Exhibit "A"

2825

VALLEY

VIEW

91005

2200

Page 1 of 2





Exhibit "A"







FILING FEE \$300.00

CITY OF FARMERS BRANCH

APPLICATION FOR SPECIFIC USE PERMIT-INTERIM USE

Pursuant to Section 8-450, et seq. of the Zoning Ordinance (Ordinance No. 769 , as amended) of the City of Farmers Branch, Texas, application is hereby made for Specific Use Permit - Interim Use and to Reference this use on the Zoning District Map of the City of Farmers Branch, Texas. In support of such request the undersigned applicant, under penalty of perjury, would show the following facts:

1. APPLICANT FOULDS, INC. 1617 Clydesdale - Lewisville TX  
Name Mailing Address 75067
2. DESCRIPTION OF PROPERTY description + map attached  
(Legal description & map must be attached)  
In The Corners Shopping Center  
LOT 1 BLOCK Tract 2-A STREET # 2825  
STREET Valley View Lane FRONTAGE IN FEET \_\_\_\_\_  
ON \_\_\_\_\_ STREET \_\_\_\_\_ DEPTH IN FEET \_\_\_\_\_
3. APPLICANT'S INTEREST IN PROPERTY Lease  
Owner, Agent, Lease, Option, etc.
4. Persons (other than applicant) holding a proprietary interest, lien or encumbrance on the property: (all information must be completed or shown as "not applicable").

Name	Address
✓ OWNER: <u>FOULDS, INC.</u>	<u>ABOVE</u>
LESSEE: <u>Carl Foulds for Foulds, Inc.</u>	<u>address above</u>
(including all lessees and sub-lessees of the owner and the applicant)	

LIENHOLDERS: \_\_\_\_\_  
(including leasehold mortgagors)

OTHER  
PROPRIETARY

INTEREST HOLDERS: \_\_\_\_\_  
(all other equitable and beneficial owners of any interest in the property)

5. PRESENT ZONING R 2
6. REASON FOR REQUEST placement of sign on east end



7. PROPOSED USE OF PROPERTY no cone sales

8. Nature and extent of expenditures and capital improvements contemplated (including Applicant's best estimate of the cost or amount of the improvement or expenditure)

IMPROVEMENT OR EXPENDITURE

COST OR AMOUNT

5000<sup>00</sup> - cost of bldg.

\$ 5000<sup>00</sup>

\$

\$

Total 5000<sup>00</sup>

9. Applicant's best estimate of the period of time required to recover the total cost shown above:

                     Years 4 Months

10. Period for which the Specific Use Permit - Interim Use is sought: 0 Years and 6 Months

Ending Sept, 1990.

(May not be less than the period shown in Paragraph 9 above.)

Are there deed restrictions which would prevent this property from being used in the manner herein proposed? (If so, explain.)

no

Carl Loulds  
Signature of Applicant

9-28-90  
Date

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 28<sup>TH</sup>

DAY OF September A. D., 1990.

Morris P. Summell  
NOTARY PUBLIC in and for Dallas  
County, Texas

My Commission expires 06/19/93



91005 2283



AFFIDAVIT OF AUTHORITY

The following is to be completed only if persons other than the owner is making this application.

I, Carl Foulds, do hereby certify that I am authorized to act for FOULDS, INC, owner of the above named property in making this application for a specific use permit.

Carl Foulds 1617 Clydesdale, Lewisville, TX 75067 221-8488  
Signature Address Phone

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 28<sup>th</sup>  
DAY OF September A. D., 1990.

Monir P. Lunnello  
NOTARY PUBLIC in and for Dallas  
County, Texas

My Commission expires \_\_\_\_\_





ACKNOWLEDGEMENT, CONSENT AND AGREEMENT  
OF PROPRIETARY INTEREST HOLDERS

The following is to be completed by Applicant and all persons owning a proprietary interest in the Property, as shown in Item 4 above:

The undersigned does hereby acknowledge, consent and agree as follows:

(i) that the Specific Use Permit - Interim Use for the Property for which this application has been made, if granted, will expire by its own terms on or before the expiration date specified by the applicant in Paragraph 10 above;

(ii) that the use for the Property which the applicant seeks the Specific Use Permit - Interim Use to be granted shall be terminated on or before such date and the Property may thereafter be used only in accordance with the zoning applicable to the Property in effect on such date, excluding the uses permitted by the Specific Use Permit - Interim Use;

(iii) that the undersigned has, and shall have, no right to continued use of the Property for the use specified in the Specific Use Permit - Interim Use after such date, and that any and all such rights are hereby expressly released, waived and abandoned;

(iv) that any and all investment in the property made by the undersigned subsequent to or in reliance upon the issuance of the Specific Use Permit - Interim Use which has not been recovered prior to expiration of the Specific Use Permit - Interim Use may not thereafter be recovered through continued use of the Property in the manner theretofore authorized by the Specific Use Permit - Interim Use; and

(v) that as a condition to the effectiveness of the Specific Use Permit - Interim Use the foregoing Application shall be recorded in the Deed Records of Dallas County, Texas.

Executed by the undersigned on the dates set forth below.

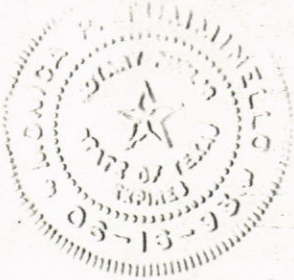
CARL FOULDS  
Name  
Carl Foulds  
Signature  
President  
Title  
9-28-90  
Date



ACKNOWLEDGEMENT (INDIVIDUAL)

STATE OF TEXAS  
COUNTY OF DALLAS

This Instrument was acknowledged before me on September 28<sup>th</sup>, 1990,  
by Carl Foulds (an individual).



Maria P. Lammullo  
NOTARY PUBLIC in and for Dallas  
County, Texas

My Commission expires 06/19/93

ACKNOWLEDGEMENT (CORPORATION OR PARTNERSHIP)

STATE OF TEXAS  
COUNTY OF DALLAS

This Instrument was acknowledged before me on \_\_\_\_\_,  
(date)

by \_\_\_\_\_, \_\_\_\_\_ of  
(Name of Person) (Title)

\_\_\_\_\_, a \_\_\_\_\_  
(Name of Corp. or Partnership) (Corporation or Partnership)

on behalf of said \_\_\_\_\_.  
(Corporation or Partnership)

\_\_\_\_\_  
NOTARY PUBLIC in and for Dallas  
County, Texas

My Commission expires \_\_\_\_\_



ACKNOWLEDGEMENT, CONSENT AND AGREEMENT  
OF PROPRIETARY INTEREST HOLDERS

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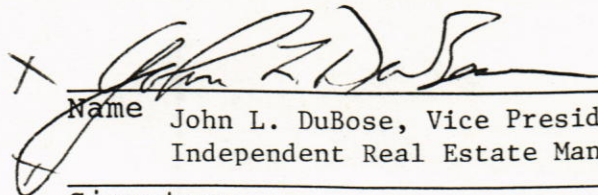
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(v) that as a condition to the effectiveness of the Specific Use Permit - Interim Use the foregoing Application shall be recorded in the Deed Records of Dallas County, Texas.

Executed by the undersigned on the dates set forth below.

X 

Name John L. DuBose, Vice President  
Independent Real Estate Management Corporation, as  
Agent.

Signature

Vice President

Title

September 25, 1990

Date



ACKNOWLEDGEMENT (INDIVIDUAL)

STATE OF TEXAS  
COUNTY OF DALLAS

This Instrument was acknowledged before me on Sept 28, 1990,  
by Dennis L White (an individual).



Monica P. Summirello  
NOTARY PUBLIC in and for Dallas  
County, Texas

My Commission expires 06/19/93

ACKNOWLEDGEMENT (CORPORATION OR PARTNERSHIP)

STATE OF TEXAS  
COUNTY OF DALLAS

This Instrument was acknowledged before me on \_\_\_\_\_,  
(date)

by \_\_\_\_\_, \_\_\_\_\_ of  
(Name of Person) (Title)

\_\_\_\_\_, a \_\_\_\_\_  
(Name of Corp. or Partnership) (Corporation or Partnership)

on behalf of said \_\_\_\_\_.  
(Corporation or Partnership)

\_\_\_\_\_  
NOTARY PUBLIC in and for Dallas  
County, Texas

My Commission expires \_\_\_\_\_